

stricken by the Style Committee, submitted to the voters of the State for adoption or rejection, and would only be effective if approved by majority of those voting thereon.

THE PRESIDENT: Delegate Gallagher, I am not sure that I correctly followed your question, but I would not assume that the General Assembly adopted an amendment. Under the language of section 10.02 the General Assembly may propose and amend, but not adopt and amend.

I would take it that the language in 51 and 52 referring to adoption of the amendment would refer only to the provision beginning in line 4 on page 2, the provisions of section 10.02, which is the original portion referring to adoption.

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, I agree. I wanted to clarify it because I thought it was possible to argue the three-fifths rather than simple majority vote, and I wanted to get it eliminated.

THE PRESIDENT: Delegate Marion.

DELEGATE MARION: By oversight I did not, I think, make absolutely clear what the sentence is which we are considering.

By an amendment on Saturday the sentence was restored virtually to the condition in which it came from the Committee of the Whole, so that the sentence which my proposed amendment would strike reads "Any proposal recommended by the Convention for changing the Constitution shall be submitted to the voters of the State for adoption and shall be effective only if approved by the affirmative vote of a majority of those voting on the proposal." The style amendment was rejected, and we are back virtually to the original language of the Committee of the Whole. I think that may have caused Chairman Gallagher some concern. But let me say this, further:

"Proposal" seems to me certainly to encompass amendment, since we are talking about proposals for changing the constitution. If an amendment is called a proposal, is it submitted to the people simply under the language of this last sentence if we leave it in, or is it submitted to the people with the further restrictions and provisions of section 10.02?

I just cannot accept the theory that there are proposals for changing the Constitution which are not simply amendments to the Constitution. I do not believe that the

schedule of legislation is a proposal for changing the constitution.

I believe the schedule of transitional provisions which we are considering and which will have constitutional effect are, in effect, a constitutional amendment. I just do not believe there is a proposal for changing the constitution which is not an amendment. Therefore, this sentence confuses rather than adds anything more to these two sections which is not already provided for and spelled out in a little more and better detail in the language of section 10.02 which details how the constitution may be amended.

THE PRESIDENT: Delegate Gleason.

DELEGATE GLEASON: I wonder if the President would be good enough to enlighten us with his views on this controversy, if he has any.

THE PRESIDENT: Delegate Scanlan rose. I will recognize him first.

DELEGATE SCANLAN: In partial rejoinder to Delegate Marion and in partial justification for what the General Provisions Committee did, I do think the concept of the proposal is not necessarily co-extensive with the concept of amendments.

I direct Delegate Marion's attention to the present Constitution, in section 2 of Article XIV, which says "but any Constitution or change or amendment of the existing Constitution." This is followed by the language that similarly follows in proposed section 10.03.

In short, I think it fair in this section to use a term that is broader than an amendment, because what we are going to submit to the voters, hopefully, on May 14, will be a new constitution. I think it fair to regard that in a different category.

In the old constitution they specifically spelled it out. Apparently the General Provisions Committee and Style Committee have agreed upon the word "proposal" to embrace something more than the ordinary amendment. I think there is justification for it, and also I think it is justified in the old Constitution.

While there may be some quarrel with the term "proposal," nevertheless, I think some term should be used which encompasses amendment, yes, but above and beyond amendment, including the whole constitution, if necessary.

DELEGATE MARION: Would Delegate Scanlan yield to a question?